THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.15941 OF 2006

Dated: 22.06.2007

Between:

Mohammed Sirajuddin

..Petitioner

And

1. The District Educational Officer, Karimnagar and others.

.. Respondents.

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.15941 OF 2006

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioner seeking to call for records pertaining to the order of the tribunal, dated 25.4.2006 in O.A.No.2660 of 2003.

The petitioner herein is the applicant before the Tribunal. He filed the above O.A. seeking a direction to the respondents to consider his case for appointment as Hindi Pandit Grade II in the existing vacancies with all consequential benefits such as seniority, service etc.

The tribunal having observed that when it was noticed that some of the candidates, who were earlier disqualified, were later found to have valid certificates of qualification and in those circumstances, the selection list was revised and in these circumstances, it cannot be said that the non-selection of the applicant is illegal, dismissed the O.A. Having aggrieved by the same, the present writ petition is filed.

Heard Smt.Deepthi, the learned Counsel representing Sri J.R. Manohar Rao, learned Counsel appearing for the petitioner and the learned Government Pleader for Services II. Perused the material available on record.

The learned Counsel for the petitioner contends that the applicant was selected and the results were published on 1.10.2002 and thereafter, on the representation made by some of the candidates, who obtained certificates from the institutions, selection list was revised and published on 2.10.2002. It is further contended that in the

second list, 25 candidates were not selected as their certificates were not recognized and for those vacancies, his case may be considered and therefore, the order of the tribunal warrants interference.

On the other hand, the learned Government Pleader contends that subsequent to the results published on 1.10.2002, on the representation made by some of the meritorious candidates whose names were not included in the selection list, the selection list was prepared, wherein cut off marks were changed to 82 marks and as per the revised list, the persons who secured 81.5 marks were not selected and the petitioner-applicant secured only 81 marks and therefore, the priority was given to the highest rankers and thereby, the order of the Tribunal needs no interference.

It is an undisputed fact that the applicant has secured 81 marks and the selected candidates have got 82 marks and even the persons, who secured 81.5 marks and who were placed above the applicant, were not selected. In this back ground of the matter, mere finding of the name in the earlier list, cannot confer any right to claim the post as a matter of right in as much as the persons who secured the prescribed cut off marks i.e., 82 and who stood over and above the applicant were selected and apart from that, even the case of the five persons who secured 81.5 and stood over the applicant, have not been considered for the selection.

In this view of the matter, we hold that the order of the tribunal does not warrant any interference. Therefore, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

Justice G.Chandraiah

Date: 22.06.2007
Nn/gurc

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.15941 OF 2006

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

Dated: 22.06.2007